

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SONJA KINGSLEY,

Plaintiff,

- against -

NEW YORK CITY POLICE DEPARTMENT, CITY
OF NEW YORK, POLICE COMMISSIONER
RAYMOND KELLY, AND DEPUTY INSPECTOR
VINCENT A. GURRIERA,

Defendants.

:
: **O R D E R**

: 07 Civ. 7629 (NRB)

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DATE FILED: 11/5/07

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

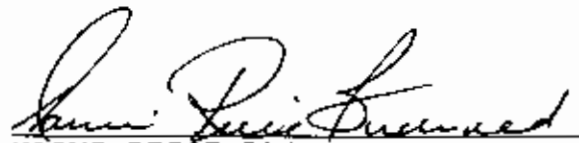
Plaintiff moves this Court pursuant to 28 U.S.C. § 1915(e) for appointment of counsel. When deciding whether to appoint a lawyer for an indigent party in a civil action, the following criteria are applied: (1) the merits of the party's claims; (2) ability to pay; (3) plaintiff's efforts to obtain a lawyer; (4) the availability of a lawyer; and (5) plaintiff's ability to gather and deal with the relevant facts. See Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). The threshold requirement is a showing of sufficient likelihood of success on the merits to warrant the appointment of counsel. See, e.g., McDonald v. Head Criminal Court Supervisor Officer, 850 F.2d 121 (2d Cir. 1988).

Based upon the record of the case to date, I cannot conclude that plaintiff has demonstrated a likelihood of success on the merits that would support the appointment of counsel. Thus, the

application is denied without prejudice to reconsideration at a later time should a more complete record warrant a different result.

IT IS SO ORDERED.

DATED: New York, New York
November 2, 2007



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

Plaintiff

Sonja Kingsley
81 Jersey Street, Apt 4C
Staten Island, NY 10301

Counsel for Defendants

Lisa M. Griffith
Assistant Corporation Counsel
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